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December 10, 2003

**VIA ECFS**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
The Portals, 445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

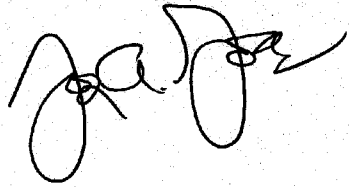
Re: IB Docket No. 02-54  
Notification of Written *Ex Parte* Presentation

Dear Ms. Dortch:

On December 10, 2003, Kalpak Gude of PanAmSat Corporation sent the enclosed document to Sheryl Wilkerson and Stephen Rodgers of Chairman Powell's office concerning the above-referenced proceeding.

Please direct any questions concerning this filing to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Godles', with a stylized flourish at the end.

Joseph A. Godles  
Attorney for PanAmSat Corporation

Attachment

cc: Sheryl Wilkerson  
Stephen Rodgers

- *Overview.* Our focus is on the practices at end of life (“EOL”) for deorbiting commercial (*i.e.*, non-governmental) communications satellites operating in geostationary orbit (“GSO”), which is 35,786 km (22,300 miles) above the equator. At EOL, it is standard practice for U.S.-licensed operators to boost GSO satellites into a higher, supersynchronous orbit that is typically at least 150 km, or approximately 90 miles, above the GSO. Unlike at lower altitudes, at which there are issues concerning the potential impact of orbital debris on manned flight (*e.g.*, the space shuttle), the only issue for the GSO orbit is the impact that orbital debris could have on operating GSO satellites. GSO satellites operators have every incentive to prevent orbital debris problems; their multi-billion dollar investment in the GSO arc is at stake.
- *No showing of need for regulation.* There is no evidence in the record to suggest that there is a GSO orbital debris issue requiring regulation. The evidence points in the other direction; there never has been a collision between a deorbited GSO satellite and an operating GSO satellite. At most, a generalized concern has been expressed that as GSO satellites continue to be deorbited, orbital debris might become a problem in the future.
- *No analysis of costs vs. benefits of imposing regulation.* All things being equal, a higher deorbit altitude decreases the likelihood of collisions with operating GSO satellites (*e.g.*, if you deorbit all the way to the moon, the likelihood disappears). Given the vastness of space, however, even if a GSO satellite has not been boosted to a higher orbit at EOL, and many Russian and Chinese satellites have not, there is a minimal chance that the satellite will collide with an operating satellite. There is nothing in the record analyzing the extent to which the already minimal possibility of a collision will be reduced if GSO operators are required to deorbit to particular altitudes (*e.g.*, to 150 km or 300 km above the GSO, or to the altitude required under the IADC formula). There also is no analysis in the record of the costs that requiring a higher altitude will impose on GSO operators.
- *Pre-existing satellites should be grandfathered.* The cost of regulation is at its peak for pre-existing satellites, because the mandatory deorbit levels that the Commission is considering would require GSO operators to end the lives of many of their satellites before the time they had planned and budgeted for, thereby shortening the time during which the satellites can be used to generate revenues. Given this heightened impact, along with the evidence suggesting that orbital debris is not a problem currently, and the absence of evidence suggesting that mandating deorbit at a higher altitude will have more than a *de minimis* impact on the likelihood of collisions, at a minimum the Commission should grandfather pre-existing satellites if it adopts mandatory deorbit altitudes for GSO satellites.

**Questions we would like addressed at tomorrow's meeting:**

Has the Bureau quantified the risk of collision, in an absolute sense, if GSO satellites are deorbited to the IADC level? To 300 km?

Has the Bureau quantified the incremental improvement in the risk of collision if GSO satellites are deorbited to the IADC level, or to 300 km, in lieu of the 300 km level that at least some U.S. operators presently observe, and that one non-U.S. operator, in the record, has stated that it observes? If so, has it evaluated whether there is any material change in the analysis if the IADC standard, or a 300 km standard, were to apply on a prospective basis?

Has the Bureau quantified the cost to U.S. operators of adopting the IADC standard or a 300 km deorbit requirement?

Do any of the standards referred to in the NPRM (*i.e.*, standards developed for U.S. governmental satellites, which are not dependent on a revenue stream, and the recommendation developed by the ITU) take into account the costs that would be borne by commercial satellite operators if they were required to adhere to similar standards?